

REMARKS

The Office Action mailed September 22, 2005 has been carefully reviewed along with the references cited therein. In the Office Action, the Examiner rejected claims 25 and 26 under 35 U.S.C. § 102(e) as being anticipated by Mohacsi et al. (U.S. Publication No. 2003/0223235). Claim 30 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Sommers (U.S. Publication No. 2003/0142492) in view of Mohacsi et al. The Examiner indicated that claims 1-3, 8, 10-13, 15-24, and 27-29 were allowed. Applicant appreciates the indication of allowable subject matter.

Claim 25 has been amended to recite "an extruded elongated envelope ... including a light-transmissive portion running at least substantially parallel to the first axis and an opaque portion adjacent the light-transmissive portion and formed integrally with the light-transmissive portion." Support for this claim is found at page 3, line 2 of Applicant's specification. Mohacsi et al. fail to disclose or suggest an extruded elongated envelope that includes a light-transmissive portion and an opaque portion integrally formed with the light-transmissive portion. As the Examiner has indicated, the opaque portion and the light transmissive portion in Mohacsi et al. comprise separate parts that are not extruded together. Accordingly, claim 25 and claim 26, which depends from claim 25, define over Mohacsi et al.

As for claim 30, Applicant respectfully submits that the Examiner has failed to present a prima facie showing of obviousness. A reference must be considered as a whole, including portions that lead away from the claimed invention. MPEP § 2141.02. After considering the reference as a whole, it is necessary to ascertain whether the reference teachings would appear to be sufficient for one of ordinary skill in the art having the reference in front of him to make the proposed combination. MPEP § 2143.01. Sommers teaches a sheath 16 that includes an integral optical element 18. As seen in FIGURE 2, the LED 12 faces the optical element 18. Sommers teaches that "the integral optical element 18 provides wave guiding that distributes the light along the tube." See [0029]. Sommers also teaches "the optical element 18 includes one or more refracting portions that refract light generated by the light emitting elements in a manner which enhances distribution of light perpendicular to the tube 16." See [0029]. Sommers also teaches "that the single cylindrical lens 18 [can] provide both wave guiding and perpendicular refracting." See [0029]. Since the optical element 18 is designed to

distribute the light along the length of the border lighting strip 10, Sommers leads away from a lighting apparatus for creating a substantially homogenous lit appearance along the length of the apparatus that comprises “a reflector positioned in relation to the light emitting diode, as shown by Mohocsi et al. so that light emitted from the LED is directed from the reflector toward the light transmissive portion of the envelope” as suggested by the Examiner. Instead of a reflector, Sommers uses a specially designed optical element to distribute light. Accordingly, considering Sommers as a whole, one would not be motivated to combine the reflector disclosed by Mohacsi et al. with the border tube disclosed in Sommers. Sommers teaches away from Applicant’s claim.

If the proposed combination of the reference would change the principle of operation of the reference being modified, then the teachings of the references are not sufficient to render the claims obvious. MPEP § 2143.01. As shown above, the primary reference discloses using an optical element to spread the light. The combination suggested by the Examiner would change the basic principle under which the primary reference was designed to operate, i.e. solely using an optical element to scatter the light.

Claim 33 has been added to the application. Support for this amendment is located at page 4, line 32 of the application. Neither Mohacsi et al. nor Sommers disclose or provide any motivation to have the LED face the reflector. Accordingly, claims 33 and 34, which depends from 33, define over the cited references.

CONCLUSION

For the reasons detailed above, it is respectfully submitted all claims remaining in the application are now in condition for allowance. Accordingly, an early indication of the same is earnestly solicited. In any event, should the Examiner consider personal contact advantageous to the disposition of this case, the Examiner is encouraged to telephone the undersigned at the number listed below.

Respectfully submitted,

FAY, SHARPE, FAGAN,
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December 22, 2005
Date

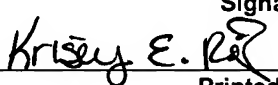


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